

REMARKS

This Amendment is being filed in response to the Office Action mailed March 22, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities.

By means of the present amendment, claims 1-5 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-5 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 4-6 were objected to for multiple dependency. In response, claims 4-5 have been amended to remove the multiple dependency. Further, claim 6 has been canceled

without prejudice. Accordingly, withdrawal of this objection to claims 4-6 is respectfully requested and examination on the merit is respectfully requested. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-2 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,788,763 (Neff). Further, claim 3 is rejected under 35 U.S.C. §102(e) as allegedly unpatentable over Neff in view of U.S. Patent Application Publication No. 2003/0068012 (Ahmad). It is respectfully submitted that claims 1-5 and 7-11 are patentable over Neff and Ahmad for at least the following reasons.

At the outset, it is respectfully submitted that Ahmad is not a prior art reference to the present application. The present application claims the benefit of German Application filed on August 21, 2002, which is thus the effective filing date of the present application.

As the effective filing date of the present application of August 21, 2002 is before the Ahmad U.S. filing date of October 9, 2002, Ahmad is not available as prior art with regard to the

present application under 35 U.S.C. §102(e). Accordingly, it is respectfully submitted that claim 3, which has been written in independent, is allowable, and allowance thereof is respectfully requested.

Neff is directed to a device for generating extreme ultraviolet and soft x-rays from a gas discharge. As shown in FIGs 2-3, the (upper) electrode 1, which is near the side where radiation is emitted, has a narrowing opening 8. The other (i.e., lower) electrode 2 has a uniform opening 3.

In stark contrast, the present invention as recited in independent claim 7, and similarly recited in independent claim 1, amongst other patentable elements, requires:

a first electrode in the discharge space near a side where radiation is emitted;
a second electrode opposite the first electrode, the second electrode having an opening to the outer region such that charge carriers can be generated in the outer region and can be transported through the opening into the discharge space, and wherein the opening narrows in a direction from the discharge space to the outer region.

An opening that narrows in a direction from the discharge space to the outer region, where this opening is that of a second electrode opposite a first electrode near the side where radiation

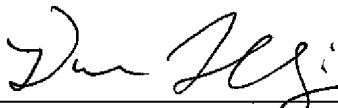
is emitted, is nowhere taught or suggested in Neff. Rather, Neff teaches that the electrode near the side where radiation is emitted has a narrowing opening.

Accordingly, it is respectfully submitted that independent claims 1 and 7 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-5 and 8-11 should also be allowed at least based on their dependence from independent claims 1 and 7.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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